

1. The meeting was resumed at 9:15 a.m. on 12.5.2014.
2. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-chairman

Mr Roger K.H. Luk

Dr C.P. Lau

Mr Clarence W.C. Leung

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Dominic K.K. Lam

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr Stephen H.W. Yau

Mr F.C. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection (1)

Mr C.W. Tse

Chief Engineer (Works), Home Affairs Department

Mr Frankie W.P. Chou

Director of Planning
Mr K.K. Ling

Declaration of Interest

3. Mr Stanley Y.F. Wong, the Vice-chairman, informed Members that at the last session on 8.5.2014, one of the representers had displayed a Powerpoint presentation of Save Our Country Parks Alliance (the Alliance). As Friends of the Earth (FoE) was one of the members of the Alliance and he was one of the Governors of FoE, he would like to declare interest on this. He further advised that FoE itself had not made any representation to the three OZPs under consideration. Members noted.

Presentation and Question Session

[Open Meeting]

4. The following representatives of the Planning Department (PlanD), Agriculture, Fisheries and Conservation Department (AFCD) and representers and representers' representatives were invited to the meeting at this point:

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|--------------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shai Tin, Tai Po and North (DPO/STN), PlanD |
| Mr Ivan M.K. Chung | - | District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD |
| Mr David Y.M. Ng | - | Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD |
| Ms Lisa Y.M. Chau | - | Town Planner/Sai Kung (TP/SK), PlanD |
| Mr Cary P.H. Ho | - | Senior Nature Conservation Officer (South)(SNC/S), AFCD |

Mr K.W. Cheung - Senior Nature Conservation Officer
(North)(SNC/N), AFCD

Mr Alan L.K. Chan - Senior Marine Parks Officer (SMP), AFCD

Mr K.S. Cheung - Country Parks Officer (Special Duty)
(CPO(SD)), AFCD

R883 – Hoi Yee Chan

HH-R10869 – Ann Davy-Hou

HH-R10904 – Thomas H Hou

Mr Thomas Han San Hou - Representer and Representers' representative

R6283 – Lai Oi Ling

Ms Lai Oi Ling - Representer

R10545 – Kenneth Leung, David Dudgeon, Yvonne Sadovy, Gray A. Williams,
David Baker, Tim Bonebrake, Billy Hau, Leszek Karezmarski, Vengatesen_

Thiyagarajan

Professor Kenneth Leung]
Professor David Dudgeon]
Professor Gray A. Williams] Representers
Dr David Baker]
Dr Tim Bonebrake]
Dr Billy Hau]
Dr Vengatesen Thiyagarajan]

R10588 – Mercedes Vazquez

Ms Mercedes Vazquez - Representer

R10589 – William Lau

Mr William Lau - Representer

R10641 – Tam Kwok Sun

Mr Tam Kwok Sun - Representer

HH-R10871, SLP-R10848 and PL-R10751 – H.F.Cheng

Ms H.F. Cheng - Representer

HH-R10885, SLP-R10818 and PL-R10742 – Green Sense

Ms Ho Ka Po - Representer's representative

HH-R10897, SLP-R10854 and PL-R10772 – Ho Ka Po

Ms Ho Ka Po - Representer

HH-R10769 – Judith Mackay

HH-R10786 – John Mackay

Dr John Mackay - Representer and Representer's representative

HH-R10803 – Stephen Ortmann

Mr Stephen Ortmann - Representer

HH-R10836 and PL-R10750 - Chiu Kwok Cheung, Brian

Mr Brian Chiu Kwok Cheung - Representer

HH-R10863 – David O'Dwyer

HH-R10864 – Lee Wai Sun, Jeffrey

Mr Jeffrey Lee Wai Sun - Representer and Representer's representative

HH-R10870 - Robin Bradbeer

HH-R10880 – Professional Commons

Ms Robin Bradbeer - Representer and Representer's representative

Mr Paul Hodgson] Representer's representatives

Mr Stanley Ng]

HH-R10905 – Lam Chiu Ying

Ms Jocelyn Ho - Representer's representative

HH-R10912 – Tolo Adventure Centre

Ms Lam Po Chu - Representer's representative

5. The Chairman extended a welcome and explained the procedure of the hearing. He said that the meeting would be conducted in accordance with the “Guidance Notes on Attending the Meeting for Consideration of the Representations and Comments in respect of the Draft Hoi Ha Outline Zoning Plan No. S/NE-HH/1, the Draft So Lo Pun Outline Zoning Plan No. S/NE-SLP/1 and the Draft Pak Lap Outline Zoning Plan No. S/SK-PL/1” (Guidance Notes) which had been provided to all representers/commenters prior to the meeting. In particular, he highlighted the following main points:

- (a) in view of the large number of representations and comments received and some 100 representers/commenters had indicated that they would either attend in person or had authorised representatives, it was necessary to limit the time for making oral submissions;
- (b) each representer/commenter would be allotted a 10-minute speaking time in respect of each concerned OZP. However, to provide flexibility to representers/commenters to suit their circumstances, there were arrangements to allow cumulative speaking time for authorised representatives, swapping of allotted time with other representers/commenters and requesting for extension of time for making the oral submission;
- (c) the oral submission should be confined to the grounds of representation/comment in the written representations/comments already submitted to the Town Planning Board (the Board) during the exhibition period of the respective OZPs/publication period of the representations; and
- (d) to ensure a smooth and efficient conduct of the meeting, the

Chairman might request the representer/commenter not to repeat unnecessarily the same points of arguments which had already been presented by others at the same meeting. Representers/commenters should avoid reading out or repeating statements contained in the written representations/comments already submitted, as the written submissions had already been provided to Members for their consideration.

6. The Chairman said that each presentation, except with time extension allowed, should be within 10 minutes and there was a timer device to alert the representers and representer's representatives 2 minutes before the allotted 10-minute time was to expire and when the allotted 10-minute time limit was up.

7. The Chairman said that the representatives of PlanD would first be invited to make a presentation on the three draft OZPs. After that, the representers/authorised representatives would be invited to make oral submissions. After the oral submissions, there would be a Q & A session which Members could direct question(s) to any attendee(s) of the meeting. Lunch break would be from about 12:45 p.m. to 2:00 p.m. and there might be one short break in the morning and one to two short breaks in the afternoon, as needed. He then invited the representatives of PlanD to brief Members on the representations and comments in respect of the draft Hoi Ha OZP, the draft So Lo Pun OZP and the draft Pak Lap OZP.

8. With the aid of a Powerpoint presentation, Mr C.K. Soh, DPO/STN, and Mr Ivan M.K. Chung, DPO/SKIs, repeated the presentations which were made in the session of the Meeting on 28.4.2014 as recorded respectively in paragraphs 9 to 11 of the minutes of 28.4.2014.

[Mr C.W. Tse, Mr H.F. Leung, Ms Anita W.T. Ma and Dr W.K. Yau returned to join the meeting, Mr Clarence W.C. Leung and Ms Christina M Lee arrived to join the meeting, and Mr Frankie W.P. Chou left the meeting temporarily during the presentations.]

9. The Chairman then invited the representers and representer's representatives to

elaborate on their representations. The Chairman said that the presentation should be confined to an elaboration of the written submissions and to ensure a smooth and efficient conduct of the meeting, he might request the representers or their representatives not to repeat unnecessarily the same points of arguments which had already been presented by others at the same meeting.

10. Ms Lam Po Chu (HH-R10912) and Dr John Mackay (HH-R10786) requested to make their presentations before the lunch break. After consulting other attendees who had no objection, the Chairman acceded to their requests.

R883 – Hoi Yee Chan

HH-R10869 – Ann Davy-Hou

HH-R10904 – Thomas H Hou

11. Mr Thomas H Hou, made the following main points:

- (a) as compared with the previous policy which aimed at protecting and improving the country park areas, the Government had made a drastic change in its policy by allowing developments in the country park enclaves;
- (b) the objective of Small House Policy (SHP) was to facilitate Small House developments by indigenous villagers and the land under application for building licence should be registered in the applicant's name. However, much of the agricultural land within the "Village Type Development" ("V") zones of Hoi Ha and So Lo Pun had already been sold to the developers. This was in contravention with the objective of SHP;
- (c) the Government had misled the general public to believe that there was a need to develop the country park enclaves in order to address the problem of insufficient housing land in the territory. The country park enclaves, which were mostly inaccessible by roads or public

transport and were in lack of basic infrastructure facilities, would not provide suitable dwellings for the population. Moreover, as only 3-storey houses were allowed in the “V” zones, the housing demand of the general public could not be met;

- (d) given the beautiful scenery of Hoi Ha, So Lo Pun and Pak Lap and their proximity to the sea, luxury houses with private gardens would likely be developed in these areas. Such residential developments were not in line with SHP and would only benefit a small group of people;
- (e) the following points in the judgement of the recent judicial review (JR) case concerning Tai Long Sai Wan were highlighted:
 - (i) the development of country park enclaves could degrade the integrity, aesthetic and landscape quality of the country park as a whole;
 - (ii) the expectations of an individual or groups of individuals had to be balanced against the interest and needs of the public; and
 - (iii) including an enclave into a statutory plan could not fully achieve the conservation objective; and
- (f) the Board was urged to consider, based on the JR judgement, to incorporate Hoi Ha, So Lo Pun, Pak Lap as well as other country park enclaves into the country park boundary.

[Actual speaking time of HH-R10904 : 12 minutes]

R6283 – Lai Oi Ling

12. With the aid of a Powerpoint presentation, Ms Lai Oi Ling made the following

main points:

- (a) she was an ordinary citizen and she was against any development which would destroy Hoi Ha;
- (b) according to 'Nam-myoho-renge-kyo' (南無妙法蓮華經), everything was equal. Human beings and all other living things were entitled to the same right of living. The destruction of a habitat for one living organism would in effect destroy an integrated part of the whole system of the earth;
- (c) as revealed by the huge number of representations to the three OZPs, the public at large was determined to protect against any intrusion into the country parks. The country park and the enclaves should be protected as a whole for the benefits of the general public and no development should be allowed in these areas;
- (d) Hoi Ha, which was characterised by streams, woodland, wetland and abandoned agricultural land, together with Hoi Ha Wan (HHW) Marine Park, a Site of Special Scientific Interest (SSSI) with more than 64 coral species, were of high ecological value. Hoi Ha and HHW should be incorporated into the boundary of the country park and marine park such that the areas would be duly protected by AFCD for the public enjoyment;
- (e) the Government should comply with the principles of the International Convention on Biological Diversity to protect the country park enclaves and to enhance their sustainability;
- (f) the current global carbon emission rate had increased by about 50% as compared with that of a century ago. The destruction of the natural landscape and environment of a city could lead to the extinction of that city and would adversely affect the biodiversity of flora and fauna

species, some of which were of significant scientific and medical values. Damages to the environment of the country park enclaves and those valuable habitats were irreversible;

- (g) SHP should be discarded as most of the indigenous villagers had sold their Small House entitlements to the developers. Moreover, the infinite Small House demand would have adverse impact on the natural environment. The separation distance of 30m between the septic tanks of the Small Houses and HHW was insufficient to prevent water pollution of HHW given that the local geology of the area was dominated by sandy sediments. A minimum separation distance of 100m was required to reduce the impacts of the pollution if Small House developments were permitted; and
- (h) the freshwater habitats which were rare, valuable and essential to the hydrological circulation and food chain should be duly protected. She therefore supported the proposals submitted by Worldwide Fund for Hong Kong, Kadoorie Farm and Botanical Garden Corporation and Friends of Hoi Ha which clearly set out the need to carefully protect the flora, fauna, landscape and hydrology of Hoi Ha.

[Actual speaking time of R6283 : 12 minutes]

R10545 – Kenneth Leung, David Dudgeon, Yvonne Sadovy, Gray A. Williams, David Baker, Tim Bonebrake, Billy Hau, Leszek Karezmarski, Vengatesen Thiyagarajan

13. Professor David Dudgeon first introduced his colleagues who were ecologists or marine biologists. He then said that their presentations would mainly focus on the impacts of village house development on the terrestrial and wetland ecology of the areas covered by the three OZPs and data relating to Hoi Ha would be used for illustration purpose. He then made the following main points:

- (a) PlanD's proposed amendment to reduce the number of village houses

permitted within the Hoi Ha OZP was supported. However, the development of this enclave to allow additional village houses beyond the existing 30 houses would pose a risk to the Marine Park that was ecologically sensitive with high conservation value, and was an important educational resource for the next generation of Hong Kong citizens;

- (b) the materials presented by the green groups at the hearing session held on 8.5.2014 represented the best scientific consensus on the importance of these enclaves and the potential ecological impacts that would take place if they were developed according to the land use proposals of the current OZPs;
- (c) while the Government was preparing a biodiversity strategy action plan for Hong Kong, the promulgation of OZPs for the country park enclaves at this stage would certainly damage the environment and impair the biodiversity of these areas;
- (d) while the proposals put forth by the green groups to enhance the protection of these ecologically significant areas were sound, the incorporation of the country park enclaves into the country park boundary like the case of Tai Long Sai Wan would provide better protection of the enclaves;
- (e) it was important to consider the linkages in the country park especially the linkages between the land along the stream. From an ecological perspective, it was not reasonable to designate the lower part of So Lo Pun stream, which was classified by AFCD to be an ecologically important stream, as “CA” while its upper part was zoned “GB”; and
- (f) the freshwater wetlands were currently the most ecologically sensitive habitat in Hong Kong. It was also the most unrepresented habitat in the current country park system. There was an urgent need to protect

the freshwater wetlands in Hoi Ha and So Lo Pun, which were largely intact, in order to protect the biodiversity of Hong Kong. The OZPs need to take into account the importance of these freshwater wetlands.

14. With the aid of a video showing the coral community of HHW, Dr David Baker made the following main points:

- (a) he was a scientist and an expert in ecology and biodiversity of corals. He was speaking on behalf of the near-shore corals which were facing numerous threats posed by the development in the country park enclave;
- (b) development in the area was a difficult issue as it involved the right of indigenous villagers, the increasing demand for affordable housing and our responsibility to protect the biodiversity of the local species according to the Convention of Biological Diversity;
- (c) his research revealed that the corals in Hong Kong were special in that they could survive in an extremely variable and polluted environment. Corals in the Marine Park, which were high in abundance and biodiversity, were particularly special which deserved diligent conservation effort. Several important marine communities were found in the HHW Marine Park which would be seriously affected if developments in the country park enclave were allowed;
- (d) the coral community in Hoi Ha was diverse and beautiful and the area was easily visited and explored. Coral reefs provided a high degree of complex habitat which became the most diverse ecosystem on earth. Corals created nurseries for juvenile fish and shellfish, many of which were commercially or culturally important to mankind. Corals protected the shorelines by absorbing waves and storm energy and reducing beach erosion. They boosted economic growth for tourism. Corals also represented a treasure of genetic and chemical resources

beginning to reveal. It was therefore important to keep the coral community healthy;

- (e) corals and the communities they supported all over the world were declining due to the rapid development of coastal areas. The same situation happened in Hong Kong as it was revealed that the high diversity of the coral community in Sham Wan on Lamma Island was removed due to pollution in the late 1990s. According to AFCD, the coral coverage of Hong Kong had reduced from 64% to 5% in two years' time;
- (f) in April 2014, he documented the death of about 30% of the population of the 'paradis' corals in Tung Ping Chau, some of which had existed for more than 200 years. While only 4% of these corals in Tung Ping Chau were in healthy condition, more than 11% of these corals in Hoi Ha were healthy. This showed the corals were protected by the environment of Hoi Ha to some extent;
- (g) the special location of Hoi Ha, which was designated as a Marine Park and located near the country park, had provided complementary protection and fostered a relatively pristine ecosystem. The freshwater catchment including streams and wetlands were near pristine and functioned to reduce the impact of sedimentation and sewage pollution on the corals; and
- (h) Hoi Ha was the most important place in Hong Kong for coral protection and further development in the area should be prohibited.

15. With the aid of a Powerpoint presentation, Dr Kenny Leung made the following main points:

- (a) according to the findings of a study on the ecology and biodiversity of soft shore animals of HHW Marine Park commissioned by AFCD, the

diversity of marine animals on the soft shore of HHW Marine Park was the highest among any other soft shores in Hong Kong between 2005 and 2006;

- (b) the river leading to HHW played a significant role in the ecosystem of Hoi Ha;
- (c) the untreated wastewater generated by human activities could enter HHW Marine Park through the storm water drainage system and the river causing pollution of the Marine Park. The local geology dominated by sand-like sediment would render the septic tanks ineffective to deal with the waste water at Hoi Ha Village;
- (d) with more concrete surfaces in the proposed building areas, surface runoff contaminated with pollutants could not infiltrate into soils, leading to a greater impact to the ecosystem in the river and HHW Marine Park;
- (e) the results of the sampling surveys conducted in July 2013 and January 2014 demonstrated that seawater, sediment and marine organisms in HHW Marine Park had already been contaminated with faeces and various endocrine disrupting chemicals associated with wastewater discharge, possibly from Hoi Ha Village;
- (f) given the local geology dominated by sand-like sediment and the close proximity to the river and the HHW Marine Park, it was inappropriate to use the septic tank soak-away systems to deal with the wastewater at Hoi Ha Village. If there were additional Small Houses and more people living in Hoi Ha Village, the water pollution of HHW would likely worsen, the cumulative impacts of which would lead to adverse impacts on the valuable marine biodiversity and unique marine ecosystem in HHW Marine Park; and

- (g) to safeguard the water quality of HHW Marine Park and protect its ecosystem integrity, a 'zero-discharge' management policy should be implemented. Discharge of wastewater into storm drainage system must be strictly prohibited, while a better wastewater treatment system should be installed to replace the conventional use of septic tanks.

[Actual speaking time of R10545 : 30 minutes]

[The meeting was adjourned for a short break of 10 minutes.]

[Mr F. C. Chan returned to join the meeting and Mr Clarence W.C. Leung and Ms Anita W.T. Ma left the meeting temporarily at this point.]

R10588 – Mercedes Vazquez

16. Ms Mercedes Vazquez made the following main points:

- (a) she and her husband were part of a Hakka indigenous community of Pak Lap;
- (b) they were strongly against land speculation in the concerned areas of the OZPs and considered that the right of indigenous villagers to build houses on their ancestors' land should be defended. The protection of country park enclaves was not merely for the interest of the indigenous villagers but also for the general public through the preservation of the living, culture and natural heritage of the areas;
- (c) much of the land and properties in the areas were already owned by non-indigenous villagers, thus reducing the possibility for indigenous villagers with a strong sense of community to build their houses in these areas. Non-indigenous villagers should not be allowed to own land or houses in these areas;

- (d) the current activities of tourism agencies and the illegal activities of the indigenous villagers such as filling of fish ponds, felling of trees and building of private gardens in these country park enclaves should be strictly controlled and enforced by the Government. Only organic farming and genuine sustainable tourism should be allowed in these areas;
- (e) for the Pak Lap area, they believed that allowing indigenous villagers to build their houses would not destroy the environment, if those developments were carried out under certain circumstances. On the contrary, the developments would contribute to a better protection of the environment. The indigenous villagers should not be allowed to sell their houses to other non-indigenous villagers of Pak Lap to avoid further land speculation; and
- (f) pollution in these areas was not merely caused by house development. It was believed that technology could be used to improve the performance of the septic tanks to avoid seepage of sewage causing pollution to the rivers or the sea in the areas. The scientists in collaboration with the Government should be responsible for striking a balance between human and natural development.

[Actual speaking time of R10588 : 5 minutes]

R10589 – William Lau

17. Mr William Lau made the following main points:

- (a) he was an indigenous villager of Pak Lap village;
- (b) based on his own and other indigenous villagers' experience in Small House application, the process involved in building a Small House in Pak Lap was lengthy and bureaucratic;

- (c) the Pak Lap community was thriving and the indigenous villagers had not done any widespread damages to the environment of the area in the past; and
- (d) he strongly opposed land speculation by property developers in the Pak Lap area, and considered that the traditional right of indigenous villagers should be maintained within limits. The villagers were capable of protecting the environment because they cared about their land and respected the history and cultural heritage of the area.

[Actual speaking time of R10589 : 3 minutes]

18. At this point, the Chairman invited Ms Lam Po Chu (HH-R10912) to make a presentation as agreed earlier.

HH-R10912 – Tolo Adventure Centre

19. Ms Lam Po Chu made the following main points:

- (a) she was the Chairman of the Tolo Adventure Centre (the Centre). She spoke on behalf of 224 members who had jointly signed the representation;
- (b) the Centre was a non-profit making voluntary association which organised outdoor activities for the public and co-organised activities with schools, churches, youth centres and community centres, etc. Since the Centre was run by volunteers and the operating cost of the Centre was not high due to low rent, the Centre was able to operate for more than 30 years;
- (c) she clarified that the proposal to incorporate three 5m strips of land into the boundary of the Centre under “Other Specified Uses”

annotated “Water Sports Recreation Centre” zone was not to enlarge the area of the Centre but to enable the Centre to continue with the maintenance of the existing trees in these areas. Those existing trees had been planted and maintained by the Centre for more than 30 years in compliance with the requirement of the Short Term Tenancy (STT);

- (d) as the land between the existing structure of the Centre and the southern boundary of the STT was narrow, with some areas less than 3m wide, the Centre had all along considered that the required planting strips under the lease were those areas immediately outside the STT boundary. Trees had been planted thereat since 1981 and no clarification was made by the Lands Department (LandsD) on the location of these planting strips, even at the time when the lease was renewed in 1988;
- (e) as noted from TPB Paper No. 9644, the District Lands Officer/Tai Po advised that the required 3m planting strips were located within the STT boundary and hence the proposal put forth by the Centre was unreasonable. This was the first time that she realized the discrepancy between the Government and the Centre in interpreting the location of planting strips;
- (f) there was a practical difficulty to plant trees within the 3m areas adjoining the existing structure as the growth of the trees would be affected due to the blocking of sunlight by the structure. Moreover, the root system of these trees might affect the stability of the existing structure;
- (g) the inclusion of 5m strips of land within the “OU” zone was not for the expansion of the Centre. The area would serve as a buffer area between the Centre and “Conservation Area” (“CA”) zone and through proper management, this buffer area would help minimize the impact of mosquitoes, bees and snakes on the users of the Centre;

- (h) there was concern on the future management and maintenance of these existing trees if they were incorporated as part of the “CA” zone since the Centre would not be able to continue with the maintenance. The failure to provide proper and timely maintenance of these trees by concerned government departments, particularly during the typhoon season, might pose safety problem to the users of the Centre; and
- (i) the designation of a 5m buffer area would be beneficial to the preservation of the existing trees. If the proposal was agreed by the Board, the Centre would undertake to provide proper maintenance of the existing trees.

[Actual speaking time of HH-R10912 : 7 minutes]

HH-R10769 – Judith Mackay

HH-R10786 – John Mackay

20. Dr John Mackay made the following main points:

- (a) he had lived in the Sai Kung area for over 40 years. He was a member of the Worldwide Fund of Hong Kong, FoE and Friends of Hoi Ha;
- (b) when he first moved into Tai Po Tsai Village, it was part of a very beautiful green valley. However, the valley was gradually replaced by large-scale residential developments in the area; and
- (c) he strongly objected to any large-scale developments within the Hoi Ha area.

[Actual speaking time of HH-R10769 : 2 minutes]

R10641 – Tam Kwok Sun

21. Mr Tam Kwok Sun made the following main points:

- (a) the Government's country park enclave policy was to prevent haphazard and uncoordinated developments within these areas. The Board was tasked to ensure that any development in Hong Kong would be implemented in an orderly and coordinated manner;
- (b) based on the existing population and the trend of population growth in the past, the accuracy of the Small House demand forecast provided by the indigenous villagers of the three country park enclaves was in doubt;
- (c) the delineation of the "V" zones on the three OZPs based on the unverified information of Small House demand forecast provided by indigenous villagers was unreasonable;
- (d) for the Hoi Ha area, about 2.6 ha of land were zoned "V" to cater for the future Small House demand. Based on the record that only seven new houses were built in Hoi Ha in the past 20 years, it would take about 200 years for the development of additional 60 to 90 Small Houses by the indigenous villagers. Hence, the current provision of "V" zone was considered excessive as the future Small House demand forecast was not verified;
- (e) given that HHW Marine Park had already been contaminated by the sewage generated by the existing Small Houses, further increase in the number of Small House by 10-fold would further aggravate the pollution of HHW. The provision of septic tanks and soakaway systems for Small House developments could not solve the pollution problem;

- (f) the indigenous villagers who wanted to move back to the Hoi Ha area should rebuild their existing houses first if they were in dilapidated condition. The development of new Small Houses in the area should only be allowed when a genuine need was demonstrated in future;

[Ms Anita W.T. Ma returned to join the meeting, Mr Patrick H.T. Lau arrived to join the meeting and Dr C.P. Lau left the meeting temporarily at this point.]

- (g) considering that the existing population of Hoi Ha was about 110 only, hundreds of years would be needed for the population to increase by 10 times if the natural birth rate of 2% was adopted. There was no need to reserve additional “V” land in Hoi Ha at the moment;
- (h) So Lo Pun was a highly inaccessible area without any supporting infrastructural facilities. People living therein would have to be self-subsistent. Given that there was no inhabitant in the area at present, the proposed “V” zone with an area of 4.12 ha to provide land to build 134 Small Houses accommodating 1,000 residents was considered excessive and the Government should provide justifications for designating such a large “V” zone on the OZP;
- (i) according to 2011 Census, the population in Pak Lap was 50. However, it was reported in a recent TV programme that only one household was found in Pak Lap. It was unreasonable for PlanD to designate 2.37 ha of land as “V” zone for building 79 Small Houses when the population of Pak Lap was in a decreasing trend;
- (j) only local villagers should be allowed to develop Small Houses in these areas. Measures similar to ‘Hong Kong Land for Hong Kong People’ policy should be implemented to ensure that transfer of Small House would only be allowed among those indigenous villagers and not for developers. If the indigenous villagers continued to sell their land and Small House entitlements to other people or developers, the

demand for additional land for Small House development would become infinite; and

- (k) there was no need to reserve additional “V” land for Small House development in the areas unless the genuine housing demand of the indigenous villagers was demonstrated. The Board was urged to exercise its own judgement in the current proceedings.

[Actual speaking time of R10641 : 16 minutes]

HH-R10871, SLP-R10848, PL-R10751 – H.F. Cheng

HH-R10836, PL-R10750 - Chiu Kwok Cheung, Brian

22. Ms H.F. Cheng requested for the Chairman’s permission to have a joint presentation with her husband and advised that the total time for the presentation would be about 40 to 45 minutes. The Chairman acceded to her request.

23. Ms Cheng made the following main points:

- (a) she objected to any development in the country park enclaves as it would destroy the natural environment of high conservation and ecological value and such damage was irreversible;
- (b) the original objective of SHP promulgated in 1972 to respect the right of indigenous villagers for Small House development should be maintained and the transfer of Small House to non-indigenous villagers should not be allowed;
- (c) SHP should comply with the requirement of Block Crown Lease (BCL) and other relevant legislation. However, demarcation district (DD) sheets which were attached to BCL to clearly demarcate the boundary of established villages were lost;

24. With the aid of a visualiser, Mr Chiu Kwok Cheung, Brian made the following main points:

- (a) he and his wife had bought an old Small House in Yuen Long four years ago after retirement. They together with their neighbours in the same village were victims of SHP as concerned government departments including LandsD, Buildings Department (BD), PlanD, Transport Department (TD) and Fire Services Department (FSD), failed to take the necessary enforcement action to ensure the original planning of Small Houses as embedded in BCL was properly implemented;
- (b) BCL, which specified the application procedure for conversion of agricultural land to building land and the provision of connecting public road to and internal access within the village, provided the legal basis for the implementation of SHP. However, those developers who had purchased much land from the indigenous villagers rarely provided the required village access and some of the developers even blocked an existing village access intentionally;
- (c) the DD sheets were the authentic survey plans of agricultural lots produced by the Indian Survey regiment under the colonial government around 1905 for identification, leasing and conveyancing purposes of the scheduled lots in BCL. The boundaries of the old scheduled lots, the alignments of field bund (which was known as public easement under BCL) as well as the location of established villages (existed before 1898) were clearly demarcated on those DD sheets. The provision of public easement as required under BCL was intended to facilitate uninterrupted access for the local villagers to different parts of the area in the old days when public transport was not easily accessible. Nowadays, the closure of existing village access by individual lot owners, as in the case of Tai Long Sai Wan, was in contravention with the requirement of BCL. However, no

enforcement action had been taken by concerned departments;

- (d) since many authentic DD sheets had been lost, private land surveyors and lawyers would have the flexibility to delineate the configuration of the lots. While the Government was responsible for verifying the accuracy of the proposed lot boundaries in the past, the enactment of the Land Survey Ordinance (Cap 473) in 1996 had allowed private land surveyors to conduct their own land surveys without scrutinisation by the Land Authority. This might result in an abuse of the existing system as some private land surveyors, during the preparation of lot division plans, might try to revise the original lot boundary by incorporating the adjacent field bunds. Such loss of the field bunds would lead to the extinguishment of public easement as required by BCL;
- (e) there was no strong reason for LandsD not to reconstruct the original DD sheets using the latest technology so as to provide a legal authentic survey record for effective land administration and conveyancing purpose;
- (f) given that BCL was in place before the enactment of the Town Planning Ordinance, the current planning for the “V” zones in these areas should take into account the provisions of BCL, in particular those relating to the accurate lot boundaries and the provision of village access; and
- (g) under the existing mechanism, LandsD was obliged to approve the Small House applications within the “V” zones of the country park enclaves upon its designation by the Board. It was therefore a prerequisite for the Board, prior to the designation of “V” zone for these areas, to ascertain the legal status of individual lots for Small House developments under BCL.

25. The Chairman reminded the representers to be concise in their presentations and the points made should be related to the subject of representations.

26. Ms H.F. Cheng made the following main points:

- (a) the Town Planning Ordinance aimed to promote the health, safety, convenience and general welfare of the community. The country park enclaves which were of high ecological and conservation value should be protected for the enjoyment of the general public instead of allowing unlimited number of Small House developments, in particular when land was still available in other parts of the territory to meet the housing demand. Moreover, the preservation of natural scenery and landscape of the country park enclaves would also help promote the tourism of Hong Kong;
- (b) the designation of “V” zones in these country park enclaves should be supported by technical assessments to demonstrate that the Small House developments would not cause adverse traffic, environmental, drainage, sewerage impacts. Moreover, the provision of emergency vehicular access as required under Building (Planning) Regulations (Cap 123F) should also be taken into account;
- (c) prior to the completion of the direct investigation into the Administration’s regulation of the fire safety measures for NTEH currently undertaken by The Ombudsman, the designation of “V” zones in these country park enclaves should be withheld; and

[Mr Stephen H.B. Yau left the meeting at this point.]

- (d) as transfer of Small Houses no longer required the approval of the Government since 1984, the construction of boundary walls for some Small Houses, which followed the inaccurate lot boundary demarcated by private land surveyors without scrutiny by concerned Government

departments, had obstructed the original village access. Concerned departments should step up necessary enforcement action to rectify these irregularities;

27. Mr Chiu Kwok Cheung, Brian, continued to make the following main points:
- (a) the transfer of Small House entitlements to developers and non-indigenous villagers was in contravention with the original intention of SHP. The development of Small Houses by the developers in Hoi Ha, So Lo Pun and Pak Lap areas through transfer of Small House entitlements was an act of fraud; and
 - (b) the Board should not designate any “V” zones on the OZPs covering the three country park enclaves before the three outstanding issues, namely the loss of DD sheets, the investigation result of The Ombudsman regarding the fire safety measures for NETH, and the illegal transfer of Small House entitlements from the indigenous villagers to the developers, were satisfactorily addressed.

[Actual speaking time of HH-R10871, SLP-R10848, PL-R10751 and HH-R-10836, PL-R10750 : 47 minutes]

28. The meeting was adjourned for a lunch break at 12:45 p.m.

29. The meeting was resumed at 2:15 p.m. on 12.5.2014.

30. The following Members and the Secretary were present at the resumed meeting:

Mr Thomas T.M. Chow

Chairman

Mr Stanley Y.F. Wong

Vice-Chairman

Mr Roger K.H. Luk

Mr H.W. Cheung

Mr Ivan C.S. Fu

Mr Sunny L.K. Ho

Mr Patrick H.T. Lau

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

Deputy Director of Environmental Protection

Mr C.W. Tse

Director of Planning

Mr K.K. Ling

Presentation and Question Session

[Open Meeting]

31. The following Government representatives were invited to the meeting:

- Mr C.K. Soh - District Planning Officer/Shau Tin, Tai Po and North, Planning Department (DPO/STN, PlanD)
- Mr Ivan M.K. Chung - District Planning Officer/Sai Kung and Islands (DPO/SKIs), PlanD
- Mr David Y.M. Ng - Senior Town Planner/Country Park Enclaves (STP/CPE), PlanD
- Ms Lisa Y.M. Chau - Town Planner/Sai Kung (TP/SK), PlanD
- Mr Cary P.H. Ho - Senior Nature Conservation Officer (South), Agriculture, Fisheries and Conservation Department (SNC/S, AFCD)
- Mr K.W. Cheung - Senior Nature Conservation Officer (North)(SNC/N), AFCD
- Mr Alan L.K. Chan - Senior Marine Parks Officer (SMP), AFCD
- Mr K.S. Cheung - Country Parks Officer (Special Duty)(CPO(SD)), AFCD

32. The following representers and representer's representatives were invited to the meeting:

Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1, Draft So Lo Pun OZP No. S/NE-SLP/1 and Draft Pak Lap OZP No. S/SK-PL/1

HH-R10885, SLP-R10818, PL-R10742 – Green Sense

HH-R-10897, SLP-R10854, PL-R10772 – Ms Ho Ka Po

Ms Ho Ka Po - Representer and Representer's representative

Representations in respect of Draft Hoi Ha OZP No. S/NE-HH/1

HH-R10803 – Mr Stephen Ortmann

Mr Stephen Ortmann - Representer

HH-R10863 – David O'Dwyer

HH-R10864 – Lee Wai Sun, Jeffrey

Mr Jeffrey Lee Wai Sun - Representer and Representer's representative

HH-R10870 – Robin Bradbeer

HH-R10880 – The Professional Commons

Ms Robin Bradbeer)

Mr Paul Hodgson) Representer and Representer's representatives

Mr Stanley Ng Wing Fai)

HH-R10905 – Lam Chiu Ying

Ms Jocelyn Ho - Representer's representative

33. The Chairman extended a welcome and invited the representers and the representers' representatives to continue with their oral submissions.

HH-R10885, SLP-R10818, PL-R10742 – Green Sense

HH-R-10897, SLP-R10854, PL-R10772 – Ms Ho Ka Po

34. With the aid of a Powerpoint presentation, Ms Ho Ka Po made the following main points:

(a) the representers opposed the expansion of the "Village Type

Development” (“V”) zone on the Pak Lap Outline Zoning Plan (OZP). Planning should strike an appropriate balance among the conservation of the environment, the local community and village development;

- (b) the expansion of the “V” zone on the So Lo Pun OZP was opposed to as it was excessive. The projected increase in population from 0 to 1,000 was unsubstantiated;
- (c) the expansion of the “V” zone on the Hoi Ha OZP was also opposed to. The ecology of Hoi Ha Wan should be better protected;
- (d) it was questionable whether the conservation-related zones including “Green Belt” (“GB”), “Conservation Area” (“CA”), “Coastal Protection Area” (“CPA”) and “Country Park” (“CP”) were effective in protecting the natural environment. The existing practice of making provision for the submission of planning applications for Small House development within areas zoned “GB” to the Board for consideration went against the principle of conservation and protection of the environment;
- (e) it was questionable whether the purpose of Small House development was to resolve the housing problem of local villagers or to allow them to make monetary gains from property development;

[Mr Ivan C.S. Fu returned to join the meeting at this point.]

- (f) the ‘enclaves’ should be incorporated into the country parks;
- (g) the Board should carefully consider the views expressed by the representers and commenters and should not take the recommendations of PlanD for granted;
- (h) the DPA Plans should serve the purpose of conserving and protecting the ecology and natural environment of the countryside;

- (i) in addressing the existing housing problem, the Government was too short-sighted in proposing to use land in the “GB” zone and country park areas for development. Land use planning should take a long-term view of the future;
- (j) the Government should prevent any possibility of environmental pollution caused by septic tanks and foul water by ensuring that all relevant legislation and guidelines were met when considering any development in the rural areas. The Government should also take action to stop any ‘destroy first, develop later’ cases; and
- (k) the Board should play the role of gate-keeper, protecting the ecology and natural habitats of Hong Kong.

[Actual speaking time of HH-R-10897, SLP-R10854 & PL-R10772: 10 minutes]

HH-R10803 – Stephen Ortmann

35. With the aid of a Powerpoint presentation, Dr Stephen Ortmann made the following main points:

- (a) Small House developments in country parks had to be kept to the minimum as they would cause an adverse impact on the country parks. Hong Kong’s country parks were unique as a place for people to escape from the stress and pollution in the urban areas;
- (b) the country parks gave Hong Kong a special value and an edge over the other big cities such as Shanghai and Singapore which did not have a countryside of a similar size or that was so easily accessible;
- (c) country parks were established to prevent urban sprawl. Enlarging the “V” zones in the enclaves would act against the objective of country park

designation in the first place;

- (d) country parks were used not only for nature conservation purposes but also for recreational purposes, allowing people to enjoy and explore nature. According to a research, 84% of people indicated stress reduction and 52% indicated a reduction in headaches after going to the country parks. The scenic environment and tranquillity of the country parks would be lost if massive expansion of houses was allowed; and
- (e) more Small House developments in the three OZPs would generate more traffic and pollution in terms of noise and air.

[Actual speaking time of HH-R10803 : 6 minutes]

HH-R10863 – David O’Dwyer

HH-R10864 – Lee Wai Sun, Jeffrey

36. With the aid of a Powerpoint presentation, Mr Lee Wai Sun made the following main points:

- (a) the representers objected to the Hoi Ha OZP;
- (b) “Living Seas Hong Kong” commenced operation in 2007 as a Hong Kong-based charitable organisation whose objective was to urge the implementation of strategic local marine protection programmes and policies to help revitalise Hong Kong’s unique marine ecosystem;
- (c) the Hoi Ha Wan Marine Park (HHWMP) was established to enable the revitalisation of Hong Kong’s marine resources and the protection of valuable habitats;
- (d) HHWMP was important as it had the highest level of coral coverage and density in Hong Kong. It was specifically chosen to be a protected area

under the Marine Parks Ordinance and as a Site of Special Scientific Interest (SSSI);

- (e) although marine parks were set up to enhance Hong Kong's marine resources, they had not been successful as commercial fishing was still allowed and marine resources had not recovered even after the trawling ban. The marine parks were inadequately protected and any increase in population would only result in an increase in the uncontrolled extraction of marine resources;
- (f) the OZP was not supported as the proposed expansion in population would put pressure on the infrastructure and damage the marine park and terrestrial ecology of Hoi Ha. The increased pollution would damage HHWMP, the SSSI and marine life;
- (g) as Hoi Ha village did not have public sewers and the provision of a private sewage treatment plant was unrealistic, the provision of individual septic tanks for the Small Houses to be built in the "V" zone would result in pollution to HHWMP. As the E-Coli level in the waters of HHWMP was already relatively high, it was not acceptable to allow a large development next to the river with runoff flowing directly into the marine park;
- (h) in the drafting of the OZP, no consideration had been given to the threats to HHWMP from pollution caused by sewage and runoff;
- (i) the significant expansion of the "V" zone was unjustified, given that only 7 new Small Houses had been built in Hoi Ha in the last 20 years;
- (j) as the resources available at Hoi Ha belonged to all the people of Hong Kong, the development plan for the area should be aligned to the genuine needs of the indigenous village and should allow for the active preservation of the marine park for future generations; and

- (k) as a coach who had brought many people to the area to dive, Hoi Ha was a very good spot for diving. However, illegal fishing activities in the area had been increasing and a three-fold increase in the population would only aggravate the current situation. The increase in population would also worsen the sewerage problem where an effective solution had yet to be identified.

[Actual speaking time of HH-R10864 : 11 minutes]

HH-R10870 – Robin Bradbeer

HH-R10880 – The Professional Commons

37. Mr Ng Wing Fai made the following main points:

- (a) the report submitted by the Professional Commons was based on the research and monitoring work carried out by Ms Robin Bradbeer and Mr Paul Hodgson in the Hoi Ha area over the last 23 years;
- (b) corals were very fragile and could be destroyed very easily due to changes in their habitats;
- (c) the Hon Charles Mok, Chairman of The Professional Commons, was of the view that any resource bid by the Government for expertise that would help in the preservation of corals in Hoi Ha would be supported;

38. With the aid of a Powerpoint presentation, Ms Robin Bradbeer made the following main points:

- (a) the report submitted by The Professional Commons had been prepared by academics and professionals and independently audited by third party professionals. The report prepared was based on the law, backed up by proper data and robust science;

- (b) the over 30,000 representations received by the Board showed that the public had an interest in the future of the country parks;
- (c) the environment was crucial to the world's life-support system which had to be maintained in a dynamic steady state. Changes in the environment would affect the ecological mechanism and would result in species being killed off;
- (d) in order to prepare the report submitted in the representation, 23 years of past data had been collected and the Hoi Ha area had been studied intensively for 2 years. Moreover, the views of key stakeholders had been collected. The proposal of the Professional Commons for Hoi Ha was realistic and it had taken into account the views of all stakeholders;
- (e) it was always easier to prevent environmental disasters from taking place in the first place than to remedy after the disasters had occurred; and
- (f) the Board should assign maximum protection to the enclaves so as not to impact on the surrounding SSSI, country parks and marine park; mitigate the impact of existing enclaves on the surrounding protected areas; protect cultural heritage areas within the village; cater for and protect the rights of the resident indigenous villagers; plan for the future needs of Hoi Ha village; and consider the rights of Hong Kong people with regard to their needs and access to the country parks.

39. With the aid of a Powerpoint presentation, Mr Paul Hodgson made the following main points:

- (a) the country parks and marine parks were designated as areas of special landscape, ecology or geology that were accorded the highest level of protection under the laws of Hong Kong. All flora and fauna in the country and marine parks were protected. In this regard, any zoning in

the 'enclaves' would need to meet the legal requirement;

- (b) as the enclave was surrounded by the country park, marine park and SSSI, the spill-over effect of developments at Hoi Ha would need to be considered;
- (c) the proposed OZP would result in continued village expansion in the area;
- (d) the outflow of the river would impact on HHWMP. Previous analysis showed that the hydrology of the river had been affected back in 1980 when Hoi Ha Road was being built. As water flowed along the road, the boundary of the river sediment deposit area shifted and changed. According to the current study, as the boundary of the river sediment deposit area was already very close to the corals at Hoi Ha Wan, a shift in the boundary by only 4.2% would lead to the death of corals as they would be smothered by sediment. Since any clearing of vegetation, cementing of land and other building works would affect the hydrology of the river, these activities would need to be kept away from the river and the flood plain;
- (e) there were currently different species of protected animals that congregated within the enclaves, at a location some distance away from the main village area. The study showed that the mangrove at the river mouth was a major wild-life terminating point where the various species of protected animals tended to congregate and feed;
- (f) the study found that with the provision of piped water to Hoi Ha, the size of the septic tanks serving the village houses was no longer big enough to treat the amount of waste water produced, causing the septic tanks to overflow and increasing the E-Coli level in the waters of HHWMP. In this regard, even though the hydrologic conductivity of the soil at Hoi Ha was suitable for the use of septic tanks, the problem of overflow would need to be addressed by providing septic tanks that were big enough to

store and treat the amount of waste water generated by the households;

- (g) alternatively, as a replacement for the current septic tank system, the use of aerobic treatment systems for groups of houses should be considered in the Hoi Ha area. The aerobic treatment system would produce processed sewage that was much less polluting than the overflow from septic tanks;
- (h) the most appropriate location for developing new village houses at Hoi Ha would be at a location as far away from the river and the coastline as possible;
- (i) chlorine was recently found in the waters of HHWMP, causing sea hares to disappear from HHWMP. This showed the unintended negative impact to the environment which could arise from the provision of such basic facilities as tap water;
- (j) the area currently proposed for village expansion was located in a plain which had been flooded during the last incidence of heavy rainfall. In this regard, the site was not suitable for village type development as septic tanks serving the village houses would be flooded in times of heavy rain, causing raw sewage to overflow into HHWMP;
- (k) the OZP had failed to give careful consideration to the cultural heritage of the area. Even though the cultural heritage of the area was acknowledged, the sites with cultural interest had been carved up into different zonings on the OZP;
- (l) while the rights of the local people and indigenous villagers under the Small House policy was a requirement that needed to be catered for, the requirement should be realistic. With only 7 Small Houses built in the last 20 years, the forecast demand of 84 Small Houses in the coming 10 years was not substantiated;

- (m) the current OZP had no provision for businesses providing amenities in the Hoi Ha area. Business operations in the area such as the existing kayak rental shop could only continue their operations as an ‘existing use’. Indigenous villagers would not be able to make a living and stay in the village if they were not allowed to start local businesses in the area;
- (n) as most of the land within the proposed village expansion area was already owned by developers, the “V” zone would not benefit the local villagers. While Hoi Ha might be able to support a small increase in the number of Small Houses, HHWMP could not sustain any large-scale increase in housing as envisaged by the private developers;
- (o) although 30,000 people visited Hoi Ha each year, there was only one restaurant and no public toilet/shower/changing room facilities in the village to serve the visitors. The OZP had no provision to address the lack of community facilities. Government should find land in the existing village to provide the necessary facilities to serve the visitors;
- (p) the educational value of Hoi Ha should be made use of and it was proposed to replace the existing centre operated by World Wide Fund-Hong Kong with an education centre operated by AFCED; and
- (q) as the existing conservation-related zonings under the Town Planning Ordinance such as “CPA”, “CA” and “GB” could not meet the needs of Hoi Ha, the enclave should be incorporated in its entirety into the country park. Alternatively, land that was suitable for village expansion should be zoned as “Comprehensive Development Area” (“CDA”) and development guided by a planning brief while the remaining part of the enclave should be zoned as “CA”, with the ultimate aim of incorporating the latter part into the country park.

40. Mr Ng Wing Fai concluded the presentation with the following main points:

- (a) in view of the special circumstances of Hoi Ha, it was considered necessary to introduce the “CDA” zone to control village development in the area;
- (b) as the draft OZP did not meet the development needs of the area, it was considered necessary to conduct an environmental impact assessment for the area to identify the real development needs and impacts;
- (c) the Tai Long Wan case was well supported by the public and had set an example to be followed; and
- (d) the Board might be subject to judicial challenges if the draft OZP was to be approved as it was.

[Actual speaking time of HH-10870 and HH-10880 : 32 minutes]

HH-R10905 – Lam Chiu Ying

41. Ms Jocelyn Ho read out a statement from Mr Lam Chiu Ying (HH-R10905), making the following main points:

- (a) it was announced in the 2010-11 Policy Address that in order to protect country park enclaves from further destruction, these enclaves would either be covered by statutory plans or incorporated into country parks;
- (b) in a subsequent document submitted to the Legislative Council, the Government had set out the criteria for incorporating enclaves into statutory plans which included taking into account the accessibility of the enclaves, the threat of development, conservation value, landscape value, geographical location, extent of village settlement, etc;
- (c) the Board was bound by the Government’s current policy and was obliged to implement the policy;

- (d) while AFCD's ecological assessment noted that only one species of bird was sighted, the consultant's commissioned by the Friends of Hoi Ha had reported sighting 50 species of birds and the Hong Kong Bird Watching Society reported 100 species of birds being found in the Hoi Ha area. As AFCD's ecological assessment failed to reflect the true picture, there was a risk that wrong decisions would be taken by the Board and such decisions could be subject to challenge in the court; and
- (e) contrary to the Government's claim that developments within the enclaves would not affect the country park, the proposed scale of the "V" zone in the 3 enclaves would definitely affect the landscape and function of the surrounding country parks.

[Actual speaking time of HH-R10905: 4 minutes]

42. As the representers and representer's representatives who attended this session had completed their presentations, the Chairman invited questions from Members.

43. In response to the Chairman's enquiry on the difference in bird counts from the surveys done by AFCD and the green groups, Mr Cary Ho (AFCD) clarified that AFCD had not conducted any specific ecological survey for Hoi Ha. In response to a request from the Friends of Hoi Ha, AFCD provided them with the existing information that AFCD had gathered from previous records. For the one bird species recorded in the area, it was an incidental record taken during other surveys conducted in the past. It was not a bird survey with the record of only one bird species.

44. A Member enquired whether sewage treatment systems more effective than septic tanks in reducing the E-Coli counts were available. In response, Mr C.W. Tse said that, from the technical point of view, there were sewage treatment systems that were more effective than septic tanks. Small scale package sewage treatment plants were available in the market. Notwithstanding this, the use of septic tanks for treating sewage was very common in the rural areas not only in Hong Kong but also in different places around the

world.

45. Noting some representers' concern that the Hoi Ha area might not be suitable for the use of septic tanks due to its soil conditions and risk of flooding, Mr C.W. Tse said that any person who wished to build a Small House would need to make an application to the Lands Department. The design and location of the septic tank proposed would need to be certified by an Authorised Person (AP) as meeting the requirements of the ProPECC Note. The requirements included percolation tests to be carried out at the site to confirm that the soil would be suitable for septic tank use. The Environmental Protection Department (EPD) would only support Small House proposals that passed the percolation test. Alternative sewage treatment systems would need to be considered by the AP for sites that failed the percolation test. In response to the Chairman's enquiry, Mr C.W. Tse said that the percolation tests should be conducted at the design stage, i.e. before the construction of the Small Houses. Moreover, if the septic tanks were not properly maintained or operated, EPD could take enforcement action against the owners of the septic tanks, requiring them to rectify the situation and properly maintain the septic tanks.

46. In response to the Chairman's question, Mr Jeffrey Lee (HH-R10864) said that while only 7 Small Houses had been built at Hoi Ha in the last 20 years, the 10-year forecast of Small House demand for the area was 84 Small Houses. It was therefore questionable whether the 10-year Small House forecast demand was a genuine need.

47. Noting some representers' concern about chemicals flowing into the marine park by surface runoff arising from people taking showers with open taps, the Chairman enquired whether enforcement action could be taken against such activities. In response, Mr C.W. Tse said that prosecution action could be taken against these activities if they caused pollution and were done regularly. However, the water quality along the coast would naturally be affected by the increase in the people living near or visiting the shore. Enforcement and prosecution would not be able to eliminate the effects.

48. A Member enquired which department was responsible for taking enforcement action against illegal connections to storm water drains and the difficulties involved. In response, Mr C.W. Tse said that while enforcement actions could be taken by both

Buildings Department (BD) and EPD depending on the specific regulations that had been violated, more enforcement cases were done by EPD which also received the greater number of complaints. The main difficulty in enforcement was spotting the illegal connections and identifying the culprit. While not all individual case problems had been satisfactorily dealt with, the overall water quality of the streams in the New Territories had been improving, demonstrating that the water quality programme as a whole had been effective. He also noted that the water quality in So Lo Pun and Pak Lap was very good at the moment as they were uninhabited. If population started to increase, the water quality of these two places would deteriorate, though the pollution would be controlled within the allowable limits.

49. As the three enclaves were well-populated in the past and the corals had not been affected at that time, a Member enquired whether it would be acceptable if a population equivalent to the peak population in the past was allowed. In response, Mr Ng Wing Fai (HH-R10880) said that as people's way of life had changed, the impact generated by people in the past was not comparable even though the population might be the same. Instead of using water from the river, people nowadays used piped water supplied by WSD, significantly increasing the amount of waste water generated. Besides, the amount of chemicals used in daily products such as shampoos had also increased significantly. Mr Paul Hodgson (HH-R10880) added that things were more natural in the past, without any chlorine in the water or the use of fertilizers for farming. Besides, the ecological environment was much more healthier with no trawling activities or land reclamation depositing sediment onto the corals. Ms Robin Bradbeer (HH-R10880) supplemented that houses further up the hill would have less impact on HHWMP than houses developed close to the beach. However, in the draft OZP, the village expansion area was located close to the beach which was not acceptable. Mr C.K. Soh (DPO/STN) remarked that the impact of human activities to HHWMP hinged on *inter alia* the number of Small House developments as well as the number of visitors to the area, and that was the reason why the chemicals found in the waters of the marine park increased significantly during summer, as pointed out by some representatives.

50. In response to a Member's enquiry on when the Small House demand figures were made available by the stakeholders in the plan-making process, Mr C.K. Soh said that

the representative of indigenous villagers would provide a 10-year forecast of Small House demand to the respective District Lands Office on an annual basis. In preparing the OZP for the enclaves, PlanD would take into consideration the outstanding Small House applications and the most recent 10-year forecast demand, together with other relevant factors, for drawing up the “V” zone. Mr Ivan M.K. Chung supplemented that when preparing the OZP for Pak Lap, PlanD had asked the District Lands Office to update the 10-year forecast demand and, after the Board had agreed to the preliminary draft OZP, the views of the District Council, the Rural Committee and local villagers were sought again before the OZP was published.

51. As Members had no further question to raise, the Chairman thanked the Government representatives, representers and representer’s representatives for attending the meeting. They left the meeting at this point.

52. The meeting was adjourned at 3:55 p.m.